

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5142

AN ORDINANCE determining the public advantage in vacating portions of two streets: 1) SE 10th Street from Bellevue Way SE eastward approximately 350 feet; and 2) 105th Avenue SE from SE 10th Street northward approximately 320 feet and southward approximately 60 feet along the eastern boundary of Bellevue Way SE., in the City of Bellevue, Washington, and vacating the same subject to certain conditions.

WHEREAS, the City Council did on April 19, 1999, pass Resolution No. 6299, fixing the time and place for a hearing to consider the vacation of a portion of 1) SE 10th Street from Bellevue Way SE eastward approximately 350 feet; and 2) 105th Avenue SE from SE 10th Street northward approximately 320 feet and southward approximately 60 feet along the eastern boundary of Bellevue Way SE within the City of Bellevue, Washington, and gave notice of said hearing by posting and mailing in the manner required by law; and

WHEREAS, investigation was made as to the use of said street and the public interest served or damaged by change of such use by the vacation thereof; and

WHEREAS, a hearing was held upon the said petition on the 19th day of April, 1999, at the time and place fixed in said resolution and notice, and

WHEREAS, following said hearing the City Council, by motion found that the vacation of all or a portion of said streets to the extent described in the petition therefore, would serve the public good, and directed staff to bring back an ordinance vacating such streets or portions thereof; and

WHEREAS, said vacation also be subject to the reservation of necessary public utility and walkway easements and subject also to payment of compensation by the respective abutting property owners in accordance with Section 14.35.130 of the Bellevue City Code; and

WHEREAS, upon payment of compensation by the respective abutting property owners in accordance with Section 14.35.130 of the Bellevue City Code and fulfillment of all other conditions established herein for such vacation, such streets or a portions thereof shall be vacated and the City Manager or his designee is directed to execute a declaration of vacation consistent with this ordinance and record the same with the King County Office of Elections and Records and to take any other action necessary to vacate such streets or portions thereof; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES
ORDAIN AS FOLLOWS:

Section 1. The following portion of SE 10th Street from Bellevue Way SE eastward approximately 350 feet is hereby vacated subject to the fulfillment of all conditions set forth in Section 2 of this ordinance:

That portion of SE 10th lying east of Bellevue Way SE, and North of Lot 1 and 28th, Block 14, C.R. Myers First Addition to Moorland, according to the plat thereof recorded in Volume 5 of Plats, Page 5, King County, Washington.

Section 2. The following portion of 105th Avenue SE from SE 10th Street northward approximately 320 feet and southward approximately 60 feet along the eastern boundary of Bellevue Way SE is hereby vacated subject to the fulfillment of all conditions set forth in Section 2 of this ordinance:

That portion of 105th Avenue SE, lying easterly of Lots 15-24 and portions of Lot 25, Block 12, C.R. Myers First Addition to Moorland, according to the plat thereof recorded in Volume of Plats, Page 5, King County, Washington.

PROVIDED, however, the City of Bellevue reserves and establishes a 15-foot water, sewer and storm drainage easement where the water main currently exists and a 20-foot walkway easement on SE 10th Street, and further

PROVIDED, that the applicants provide recorded documents for the walkway and utility easement.

Section 3. The City Manager or his designee is directed to execute a declaration of vacation consistent with the provisions of this ordinance and to record the same with the King County Office of Elections and Records and to take any other action necessary to vacate such street or portion thereof upon evidence of satisfactory completion of all conditions of such vacations including but not limited to reservation of necessary public utility and walkway easements, payment of compensation to the extent and in the amount required by Section 14.35.130 of the Bellevue City Code or comparable compensation acceptable to the City and payment of all costs of acquisition services needed to convey title including the costs of final survey, appraisals, recording fees, escrow, title insurance, processing fees and any other costs related to the purchase of the property, except as otherwise agreed by the parties.

Section 4. The City Clerk is directed to record a certified copy of this ordinance with the Department of Records and Elections of King County.

Section 5. This Ordinance shall take effect and be in force five days after legal publication.

PASSED by the City Council this 19th day of April, 1999, and signed in authentication of its passage this 19th day of April, 1999.

(SEAL)

Mike Creighton, Mayor

Approved as to form:
Richard L. Andrews, City Attorney

Patrice C. Cole, Assistant City Attorney
Attest:

Myrna L. Basich, City Clerk
Published April 23, 1999